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RUCNSOM/SOMALIA COLLECTIVE PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHMFISS/CJTF HOA PRIORITY  
RUEKDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L DJIBOUTI 000950

SIPDIS

DEPARTMENT FOR AF/E AND AR/RSA:J.BANDO  
CJTF-HOA FOR POLAD  
LONDON, PARIS, ROME FOR AFRICA-WATCHER

E.O. 12958: DECL: 11/25/2018  
TAGS: [EWWT](#) [MOPS](#) [PHSA](#) [PREL](#) [XA](#) [XW](#) [SO](#) [DJ](#)  
SUBJECT: SOMALIA - DJIBOUTIAN FOREIGN MINISTER ON  
PROSECUTION OF SOMALI PIRATES

REF: A. STATE 124034  
[B.](#) DJIBOUTI 895  
[C.](#) DJIBOUTI 947

Classified By: ERIC WONG, DCM. REASON: 1.4 (B) AND (D).

[1.](#) (C) SUMMARY. In response to demarche (ref A), Foreign Minister Mahmoud Ali Yousseuf left open the possibility of Djibouti accepting apprehended Somali pirates ("persons under control" or PUCs) for prosecution in national courts, but said he and his staff would need to study the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation closely, and verify that Djibouti had both signed and ratified the convention. He noted that before agreeing to accept any PUCs, Djibouti would need to be sure that there was clear authority to do so under international law. He noted that Djibouti would host an IMO sub-regional conference (Western Indian Ocean, Gulf of Aden, and Red Sea states) on January 26, at which Djibouti planned that these legal issues would be discussed. Yousseuf used the discussion of Somalia to press again for the USG to provide financing for the proposed 10,000-person TFG/ARS security force, and suggested that a small (200-300 person) Somali naval contingent be included to conduct counter-piracy operations. In a separate meeting, Ambassador shared a copy of the 1988 Convention with French Indian Ocean Naval Forces Commander, Vice-Admiral Valin, who briefed dip corps representatives on November 22 on the planned ESDP counter-piracy operation (ref C). END SUMMARY.

[2.](#) (C) Ambassador delivered demarche talking points on counter-piracy cooperation (ref A) to Foreign Minister Mahmoud Ali Yousseuf and MFA Deputy Director of Bilateral Relations Yousseuf Aden Moussa on November 24. FM Yousseuf acknowledged the importance of coordinating international efforts to "eradicate" piracy, citing recent discussions on the subject with visiting French Indian Ocean Naval Forces Commander, Vice-Admiral Valin. Given the immense naval space Somali pirates operated in, it was not possible to ensure the security of all shipping, Yousseuf said, but the struggle against piracy could be conducted both offshore and onshore.

[3.](#) (C) Offshore, FM Yousseuf recommended the formation--and funding--of a Somali maritime force comprising 200-300 members with half a dozen fast boats, perhaps within the context of the 10,000-person combined security force to be formed by the Somali Transitional Federal Government (TFG) and the Alliance for the Re-Liberation of Somalia (ARS).

[4.](#) (C) Onshore, identifying the "judicial space" to prosecute pirates was an extremely sensitive issue, Yousseuf said. He

characterized the issue as an undesirable "hot potato," which had the potential of raising concerns among international observers about what legal instrument to use, what human rights standards would be observed, and who had legal standing, etc. Noting the need for a durable solution, Youssouf said Djibouti would host representatives of 20 countries in January 2009 for an International Maritime Organization (IMO) conference that would examine legal conventions against piracy. The FM pledged to examine the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and to verify that Djibouti had signed and ratified it.

15. (C) COMMENT. FM Youssouf did not immediately agree to accept and prosecute PUCs under the terms of the 1988 Convention--nor did we expect him to. But, he is clearly seized with the piracy issue and appeared genuinely eager to find legal options for dealing with the pirates. We will follow-up with Youssouf and his team, after giving them a few days to digest the convention's terms. Department may wish to use the upcoming January 26 IMO meeting in Djibouti as an opportunity to engage regional actors on the piracy issue.  
END COMMENT.  
SWAN